

AMENDED IN ASSEMBLY APRIL 21, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 929

Introduced by Assembly Member Hancock

February 20, 2003

An act to add ~~Section 118.8 to Chapter 10 (commencing with Section 898) to Division 1 of the Streets and Highways Code~~, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 929, as amended, Hancock. Highways: transfer of ~~excess~~ property: *City of Albany park and maintenance center projects.*

Existing law authorizes the Department of Transportation to sell or exchange real property acquired by the state for highway purposes when the department determines that the property is no longer necessary for those purposes.

This bill would ~~authorize~~ *require* the department to *offer to* transfer title to certain property ~~known as Pierce Park and associated airspace easements~~ to the City of Albany at no cost to the city, *except administrative or transfer fees. The bill would require the city to transmit a financing plan for the project to the department prior to the transfer. The bill would also require the city, upon acceptance of the property, to dedicate certain local funds to the project.* The bill would ~~preserve an easement for the purpose of accessing and maintaining the department's freeway facilities. The bill would require, on and after January 1, 2014, the city to reconvey specified portions of the property~~

to the department upon reasonable notice *if the department determines that the property is required for future maintenance or expansion of the state highway system.*

This bill would authorize the department to revert the property if the city fails to enter into a contract for construction of the projects by January 1, 2013. The bill would also require the city to revert the property to the department if for any one year period it is not utilized for park or maintenance center purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. — Section 118.8 is added to the Streets and~~

SECTION 1. Chapter 10 (commencing with Section 898) is added to Division 1 of the Streets and Highways Code, to read:

CHAPTER 10. CITY OF ALBANY PARK AND MAINTENANCE CENTER
PROJECTS

898. The following definitions apply for purposes of this chapter, unless the context requires otherwise:

(a) "City" means the City of Albany.

(b) "Department" means the Department of Transportation.

(c) "State-owned parcels" means parcels of property consisting of approximately 10.82 acres of land located within the current boundaries of State Highway Route 80 in the City of Albany, comprised as follows:

(1) "Location 1," which is the land commonly known as "Pierce Park"

(2) "Location 2," which is the land commonly known as the "Maintenance Center."

(d) The "Pierce Park project" is the development of a public park at Location 1. The "Pierce Park" project is proposed to consist of open space for passive park uses, a play field for youth sporting events, an access for bicycle and pedestrian use, and parking.

(e) The "Maintenance Center project" is the development of a city maintenance center at Location 2, including a building for city

1 maintenance personnel, vehicle parking and fueling, and storage
2 of maintenance materials.

3 898.1. The Legislature hereby finds and declares that:

4 (a) With respect to Location 1:

5 (1) The department has recently completed improvements to
6 State Highway Route 80 in the city. The freeway improvements
7 include eliminating the on and off ramps to Pierce Street.

8 (2) The city has previously requested that the department delete
9 the sound wall and transfer title to the land between Pierce Street
10 and State Highway Route 80, including the land identified as the
11 former pocket for public park purposes.

12 (3) The city has previously approved funding for the
13 development of play fields and open space at Location 1.

14 (4) There is a critical need for youth play fields and open space
15 in the city and in Alameda County.

16 (5) The land described as Location 1 is not currently required
17 for freeway purposes.

18 (6) The Pierce Park project will provide necessary and
19 convenient access to the department for maintenance of its freeway
20 structures and facilities.

21 (7) The Pierce Park project will relieve the department of
22 responsibility and liability for maintenance of a significant open
23 space in an urban area, resulting in cost savings to the department.

24 (8) The Pierce Park project eliminates the need to construct a
25 sound wall, resulting in significant savings to the department.

26 (b) With respect to Location 2:

27 (1) The city is in need of a site for a permanent city maintenance
28 facility.

29 (2) The Maintenance Center project will relieve the department
30 of responsibility and liability for maintenance of a large open
31 space within an existing urban area.

32 (3) The Maintenance Center project will provide convenient all
33 weather access to the department and to local utility companies for
34 maintenance of their respective facilities and structures.

35 (4) The land to be occupied by the maintenance center building
36 is not required for freeway purposes.

37 (5) The city has committed funds for the Maintenance Center
38 project.

1 (6) *The Maintenance Center project will provide for improved*
2 *pedestrian and bicycle safety by providing an alternate route for*
3 *crossing beneath State Highway Route 80.*

4 (7) *The Maintenance Center project will provide for increased*
5 *security beneath the department's existing freeway structures in an*
6 *existing urban area.*

7 898.2. (a) *The department shall offer to transfer and convey*
8 *title to the state-owned parcels in the manner described in this*
9 *chapter, without cost or charge to the city, and without requiring*
10 *the city to refund or reimburse any of the department's costs related*
11 *to the state-owned parcels. The parcels shall be transferred for the*
12 *purpose of creating a park and maintenance center for public use.*

13 (1) *The department shall offer to transfer and convey full fee*
14 *title to state-owned parcels in Locations 1 and 2 on or before*
15 *January 1, 2004, at no cost to the city.*

16 (2) *The department shall offer to transfer and convey air space*
17 *easements to the city over those areas designated as Locations 1*
18 *and 2 on or before January 1, 2004, at a rate of not more than one*
19 *dollar (\$1) per year for each parcel.*

20 (b) *The city shall pay administrative and transfer fees*
21 *associated with the transfer of the parcels to the agency.*

22 (c) *On January 1, 2013, if the city has failed to enter into one*
23 *or more contracts for the construction of either project, the*
24 *department may exercise its power of termination.*

25 (d) *If the department exercises its power of termination*
26 *pursuant to subdivision (c), the parcels described in subdivision*
27 *(a) shall revert to the state no later than June 30, 2013.*

28 898.3. *If the city accepts the offer to transfer parcels described*
29 *in Section 898.2, it shall dedicate the following moneys for the*
30 *purpose of developing the project:*

31 (a) *Funds designated as Measure "R" Funds in the city's*
32 *Capital Improvement Plan for fiscal years 2002–03 to 2006–07,*
33 *inclusive.*

34 (b) *Funds designated as 1989 Lease Revenue Bonds in the*
35 *city's Capital Improvement Plan for fiscal years 2002–03 to*
36 *2006–07, inclusive.*

37 898.4. *If any parcel transferred to the city pursuant to this*
38 *chapter ceases to be used as a public park or a city maintenance*
39 *facility for a period of more than one year, title to the parcel shall*

1 *revert to the department. This condition shall be recorded as a deed*
2 *restriction in the transfer documents.*

3 898.5. *With respect to Location 1, if the department*
4 *determines that additional right-of-way is necessary for the*
5 *maintenance or expansion of the state highway, the city shall*
6 *return all or a portion of the title to the Pierce Park property to the*
7 *department within 90 days of receipt of written notice requesting*
8 *that return. The department may not issue a notice pursuant to this*
9 *section prior to January 1, 2014.*

10 898.6. *The city shall transmit a financing plan for the*
11 *respective projects to the department prior to the department*
12 *transferring state-owned parcels pursuant to this chapter.*

13 ~~Highways Code, to read:~~

14 ~~118.8. (a) The department shall, for the purpose of~~
15 ~~facilitating the creation of a park and maintenance center for public~~
16 ~~use in the City of Albany, transfer to the city title to the parcel~~
17 ~~commonly known as Pierce Park and the maintenance center,~~
18 ~~which are now owned by the department. The transfer shall be~~
19 ~~made without cost or charge to the city.~~

20 ~~(b) The city shall reserve for the benefit of the department~~
21 ~~easements for the purpose of accessing and maintaining the~~
22 ~~department's freeway facilities.~~

23 ~~(c) The city shall, upon receipt of reasonable notice, reconvey~~
24 ~~to the department any portion or the entire parcel described as~~
25 ~~Pierce Park if, in the opinion of the department, the land is required~~
26 ~~for future maintenance or expansion of the department's freeway~~
27 ~~system.~~